

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

BILLY RAYMOND,

Plaintiff,

vs.

No. 2:22-cv-2086

**RAKESH KUMAR, DAVINDER SINGH d/b/a
DSD TRUCKING
Defendants.**

NOTICE OF REMOVAL OF CIVIL ACTION

TO: Quinton Thompson, Esq.
Morgan & Morgan
One Commerce Square, Suite 2600
Memphis, TN 38103

Pursuant to 28 U.S.C. Sections 1441 and 1446, the Defendant, Davinder Singh d/b/a DSD Trucking, by and through counsel of record, Glassman, Wyatt, Tuttle & Cox, P.C., files this Notice of Removal of the above civil action, and as basis for said removal, would show as follows:

1. Removing party Davinder Singh d/b/a DSD Trucking, is a named Defendant in the above-entitled action.
2. This matter was originally filed in the Circuit Court of Shelby County, Tennessee, on the 5th day of October, 2021 under Docket No. CT-4003-21. A copy of the original Complaint filed in the Circuit Court of Shelby County, Tennessee, is attached to this Notice of Removal, as is the Amended Complaint adding this Defendant which was filed on December 7, 2021. The

Defendant in the original Complaint, DSD Trucking, Inc. has been dismissed per court order entered in Circuit Court, and the Amended Complaint added this Defendant.

3. Based on a review of the file by the undersigned counsel for removing Defendant, the Complaint, Summons, Notice of partial Nonsuit, Amended Complaint, Order of partial dismissal as to DSD Trucking, Inc., and discovery to the Defendants are the only pleadings filed in the cause to date.

4. The Defendant, Davinder Singh d/b/a DSD Trucking is a California sole proprietorship with its principal place of business in Turlock, California, and its sole member is Davinder Singh, also a resident citizen of Turlock, California.

5. Defendant Rakesh Kumar, is a resident citizen of Hicksville, New York.

6. Since the filing of the Complaint, no further proceedings have taken place in the Shelby County, Tennessee Circuit Court action other than the partial dismissal and Amended Complaint referenced above.

7. Based on the damages allegations in the Complaint, and the ad damnum of \$1 million, the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

8. Plaintiff is a resident citizen of Picayune, Mississippi.

9. This action is a civil action for personal injuries as a result of a motor vehicle accident which occurred in Shelby County, Tennessee, on or about October 10, 2020.

12. This Court has original jurisdiction of this action pursuant to 28 U.S.C. Section 1332(a)(1) and (c) as the suit is between citizens of different states, and as the amount in controversy allegedly exceeds the sum of \$75,000.00 exclusive of interests and costs.

13. Defendant Rakesh Kumar has not been served with the summons and Complaint, but

will be represented upon service, and thus, will consent to and join in this Removal.

13. This Notice of Removal is being filed with this Court within 30-days of receipt and waiver of the Complaint by the removing Defendants.

14. Defendant has filed a copy of this Notice of Removal with the Circuit Court of Shelby County, Tennessee, pursuant to 28 U.S.C. 1446 (d).

RESPECTFULLY SUBMITTED,

BY: s/Carl Wyatt

CARL WYATT, #12304

Glassman, Wyatt, Tuttle & Cox, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

I, hereby certify that a true and correct copy of the foregoing pleading has been properly forwarded, via E-MAIL and/or U.S. Mail, to:

Quinton Thompson, Esq.
Morgan & Morgan
One Commerce Square, Suite 2600
Memphis, TN 38103

on this the 14th day of February, 2022.

s/Carl Wyatt